

US EPA ARCHIVE DOCUMENT

**XINERGY CORP  
8351 EAST WALKER SPRINGS ROAD  
KNOXVILLE, TN. 37923**

**DMRE PERMIT NO. 848-0281  
INDIVIDUAL PERMIT**

**October 28, 2009**



**8303 ORBY CANTRELL HIGHWAY, WISE, VIRGINIA 24293  
▲ 276-328-2490 ▲ FAX 276-328-2492**

**CIVIL ENGINEERING    MINING ENGINEERING  
ARCHITECTURE    SURVEYING**



*AZ# 83261*

**SUMMIT ENGINEERING, INC.**



October 28, 2009

Larry Sowder  
Department for Environmental Protection  
Division of Water  
200 Fair Oaks Lane  
4<sup>th</sup> Floor  
Frankfort, Kentucky 40601

RE: Xinergy Corp  
Application for Individual KPDES Permit coverage  
DMRE Permit No. 848-0281

Mr. Sowder:

Please find attached on CD-ROM an electronic application for the above referenced permit application. Xinergy Corp is proposing an amendment to their existing surface mine located near Stoney Fork, Kentucky in Harlan County. Point source discharges from the mining area will drain into Straight Creek and Middle Fork Kentucky River.

Existing discharges are currently authorized under General Permit KYG046131. Amendment #4 is proposing to add 12 additional discharge points.

If you should have any questions, or if additional information is required, please contact me at our Wise, Virginia Office.

Sincerely,

Emmanuel Brace  
Engineer

c: file



**SUMMIT ENGINEERING, INC.**

October 28, 2009

Larry Sowder  
Department for Environmental Protection  
Division of Water  
200 Fair Oaks Lane  
4<sup>th</sup> Floor  
Frankfort, Kentucky 40601

RE: Xinergy Corp  
Application for Individual KPDES Permit coverage  
DMRE Permit No. 848-0281

Dear Mr. Sowder:

I am writing to request that your department proceed with the review process for the permit application referenced above. I request that data (on BOD, COD, Ammonia, and Temperature) which are not included in Form C of the permit application referenced above be waived.

The omitted pollutants are not among the conventional ones tested for in the coal mining Industry

If you should have any questions, or if additional information is required, please contact me at our Wise, Virginia Office.

Emmanuel Brace  
Engineer

c: file

POWER OF ATTORNEY

STATE OF TENNESSEE     )  
COUNTY OF KNOX         )

KNOW ALL MEN BY THESE PRESENTS, that Xinergy, Corp., a Tennessee corporation (the "Corporation"), pursuant to the authorization of its Board of Directors, by and through its President & CEO, Jon E. Nix, hereby makes, constitutes and appoints John Ledington of the Commonwealth of Kentucky in his capacity as an employee and Chief Mining Engineer of the Corporation, its true and lawful attorney in fact, for it, and in its name, place and stead, to execute any and all documents, including but not limited to, reports, applications, and permits, which are necessary and in the ordinary course of business in the Corporation's dealings with the United States Department of Labor, Mining Safety and Health Administration; the Commonwealth of Kentucky, Environmental and Public Protection Cabinet, Department for Natural Resources; and any and all other regulatory offices, federal and state, that the Corporation may conduct business with in the course of its coal mining activities in the Commonwealth of Kentucky.

Xinergy, Corp., by and through its President & CEO, Jon E. Nix, hereby grants to said attorney in fact the full power and authority to perform all acts to be done in and about the premises as herein described, as the President & CEO could do personally on behalf of the Corporation, if personally present.

All rights, powers and authority of said attorney in fact to exercise any and all the rights and powers herein granted shall commence and be in full force and effect as of the date of execution hereof and such rights, powers, and authority shall remain in full force and effect thereafter until such time as Xinergy, Corp. revokes such appointment.

Giving and granting unto John Ledington, full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done to carry out the intents and purposes as the President & CEO might do on behalf of the Corporation, if personally present. Xinergy, Corp., by and through its President & CEO, Jon E. Nix, hereby ratifies and confirms all that Xinergy, Corp. shall lawfully do or cause to be done by virtue of these presents.

PROVIDED, however, that all business transacted hereunder for Xinergy, Corp. or for its account shall be transacted in its name, and that all endorsements and instruments executed by its said attorney in fact for the purpose of carrying out the foregoing powers shall contain Xinergy, Corp.'s name, followed by that of its said attorney in fact and the designation "attorney in fact"

IN WITNESS WHEREOF, I have hereinto set my hand, this 10th day of July, 2008.

Xinergy, Corp.

By: 

Jon E. Nix, President & CEO

STATE OF TENNESSEE     )  
COUNTY OF KNOX         )

Personally appeared before me, the undersigned authority, Notary Public in and for said County and State, Jon E. Nix, President & CEO of the within named bargainor, with whom I am personally acquainted, who acknowledged himself to be the President & CEO of Xinergy, Corp., a Tennessee corporation, the within named bargainor, and who, upon oath, acknowledged that he executed the within Power of Attorney, with full authority from the Corporation, for the purposes therein contained in his capacity as President & CEO on behalf of the Corporation.

WITNESS my hand and official seal at office in Knox County, Tennessee this 10th day of July, 2008.

My Commission Expires



  
Notary Public

I, hereby certify that this is a true and exact copy of the original.

  
Notary Public

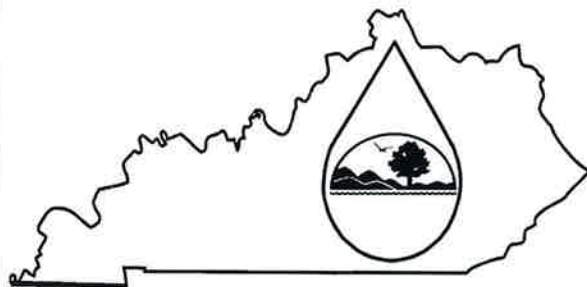
10/29/09  
Date

State in Which Commissioned: KY

My Commission Expires: FEB 18<sup>TH</sup> 2013

# KPDES FORM 1

FI 83261



## KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

### PERMIT APPLICATION

This is an application to: (check one)

- ☒ Apply for a new permit.  
☐ Apply for reissuance of expiring permit.  
☐ Apply for a construction permit.  
☐ Modify an existing permit.

Give reason for modification under Item II.A.

A complete application consists of this form and one of the following:

Form A, Form B, Form C, Form F, or Form SC

For additional information contact:

Surface Water Permits Branch (502) 564-3410

<b>I. FACILITY LOCATION AND CONTACT INFORMATION</b>		AGENCY USE	0	1	0	8	3	2	4
A. Name of Business, Municipality, Company, Etc. Requesting Permit									
<b>B. Facility Name and Location</b>					<b>C. Primary Mailing Address</b> (all facility correspondence will be sent to this address). <b>Include owner's mailing address (if different) in D.</b>				
Facility Location Name:					Facility Contact Name and Title: Mr. <input checked="" type="checkbox"/> Ms. <input type="checkbox"/>				
XINERGY CORP					Ed Sumpter				
Facility Location Address (i.e. street, road, etc., <b>not P.O. Box</b> ):					Mailing Address:				
2.5 miles north of Big Run Branch County Road Junction with KY. 221.					P.O. BOX 117				
Facility Location City, State, Zip Code:					Mailing City, State, Zip Code:				
Route 221					Stoney Fork, KY 40988				
D. Owner's name (if not the same as in part A and C):					Facility Contact Telephone Number:				
					(606) 337-5393				
Owner's Mailing Address: 8351 East Walker Springs Road, Knoxville, TN, 37923					Owner's Telephone Number (if different):				
					865-474-7000				

### II. FACILITY DESCRIPTION

A. Provide a brief description of activities, products, etc: Surface Mining

#### B. Standard Industrial Classification (SIC) Code and Description

Principal SIC Code &

Description: 1222

Other SIC Codes:

### III. FACILITY LOCATION

A. Attach a U.S. Geological Survey 7 1/2 minute quadrangle map for the site. (See instructions)

B. County where facility is located:

Harlan

City where facility is located (if applicable):

Stoney Fork

C. Body of water receiving discharge:

Laurel Branch, Salt Trace Branch, Straight Creek

D. Facility Site Latitude (degrees, minutes, seconds):

36°53'26"

Facility Site Longitude (degrees, minutes, seconds):

83°29'40"

E. Method used to obtain latitude & longitude (see instructions):

Topographical Map Coordinates

**IV. OWNER/OPERATOR INFORMATION****A. Type of Ownership:**

☐ Publicly Owned ☒ Privately Owned ☐ State Owned ☐ Both Public and Private Owned ☐ Federally owned

**B. Operator Contact Information (See instructions)**

Name of Treatment Plant Operator:

XINERGY CORP

Telephone Number:

Operator Mailing Address (Street):

8351 East Walker Springs Road

Operator Mailing Address (City, State, Zip Code):

Knoxville, Tennessee, 37923

Is the operator also the owner?

Yes ☒ No ☐

Is the operator certified? If yes, list certification class and number below.

Yes ☐ No ☒

Certification Class:

N/A

Certification Number:

N/A

**V. EXISTING ENVIRONMENTAL PERMITS**

Current NPDES Number:

KYG046131

Issue Date of Current Permit:

03/24/06

Expiration Date of Current Permit:

N/A

Other DOW Operational Permit #:

N/A

Kentucky DMR Permit Number(s):

848-0285

Sludge Disposal Permit Number:

N/A

Other Existing Environmental Permit #:

N/A

Other Existing Environmental Permit #:

N/A

Other Existing Environmental Permit #:

N/A

Which of the following additional environmental permit/registration categories will also apply to this facility?

CATEGORY	EXISTING PERMIT WITH NO.	PERMIT NEEDED WITH PLANNED APPLICATION DATE
Air Emission Source	N/A	N/A
Solid or Special Waste	N/A	N/A
Hazardous Waste - Registration or Permit	N/A	N/A

**VI. DISCHARGE MONITORING REPORTS (DMRs)**

KPDES permit holders are required to submit DMRs to the Division of Water on a regular schedule (as defined by the KPDES permit). Information in this section serves to specifically identify the name and telephone number of the DMR official and the DMR mailing address (if different from the primary mailing address in Section I.C).

A. DMR Official (i.e., the department, office or individual designated as responsible for submitting DMR forms to the Division of Water):

Ed Sumpter

DMR Official Telephone Number:

(606) 337-5393

**B. DMR Mailing Address:**

- Address the Division of Water will use to mail DMR forms (if different from mailing address in Section I.C), or
- Contact address if another individual, company, laboratory, etc. completes DMRs for you; e.g., contract laboratory address.

DMR Mailing Name:

Ed Sumpter

DMR Mailing Address:

P.O.Box 117

DMR Mailing City, State, Zip Code:

Stoney Fork, KY 40988

## VII. APPLICATION FILING FEE

KPDES regulations require that a permit applicant pay an application filing fee equal to twenty percent of the permit base fee. Please examine the base and filing fees listed in "Form 1 Instructions" and enclose a check payable to "Kentucky State Treasurer" for the appropriate amount. For permit renewals, please include the KPDES permit number on the check to ensure proper crediting. Please see the separate document "General Instructions" for an expanded description of the base fee amounts.

Facility Fee Category:

Surface Mining Operation

Filing Fee Enclosed:

\$660.00

## VIII. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (type or print):

PHONE NUMBER: (606) 337-5393

Mr. ☒ Ms. ☐ John Ledington, Attorney-in-fact

EMAIL:

SIGNATURE

DATE:

10/28/09

Return completed application form and attachments to: **Surface Water Permits Branch, Division of Water, 200 Fair Oaks Lane, Frankfort, KY 40601. Direct questions to: Surface Water Permits Branch at (502) 564-3410.**




## VII. APPLICATION FILING FEE

KPDES regulations require that a permit applicant pay an application filing fee equal to twenty percent of the permit base fee. Please examine the base and filing fees listed in "Form 1 Instructions" and enclose a check payable to "Kentucky State Treasurer" for the appropriate amount. For permit renewals, please include the KPDES permit number on the check to ensure proper crediting. Please see the separate document "General Instructions" for an expanded description of the base fee amounts.

Facility Fee Category:	Filing Fee Enclosed:
Surface Mining Operation	\$660.00

## VIII. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (type or print):	PHONE NUMBER: (606) 337-5393
Mr. <input checked="" type="checkbox"/> Ms. <input type="checkbox"/> John Ledington, Attorney-in-fact	EMAIL:
SIGNATURE 	DATE: 10-28-09

Return completed application form and attachments to: **Surface Water Permits Branch, Division of Water, 200 Fair Oaks Lane, Frankfort, KY 40601.** Direct questions to: **Surface Water Permits Branch at (502) 564-3410.**

